

## REMARKS

Claims 1-21 were pending.

Claim 1 is amended.

Claim 23 is new.

Claim 4 is cancelled.

Claims 1-3, 5-21 and 23 are pending.

### **Double Patenting Rejections**

The applicants request that the submitting of any terminal disclaimers be done once the present claims are in condition for allowance. At that time, applicants will know the state of the claims and can determine the suitability of such terminal disclaimers.

### **Claim 1 Amendment**

Claims 1 has been amended to require that the synthetic anionic polymer is formed from anionic monomers selected from the group consisting of (meth) acrylic acid or salts, maleic acid or salts, itaconic acid or salts and fumaric acid or salts. Further, the earlier amendment of September 25, 2008 has been deleted in regard to the fermentation product.

Support for this amendment resides in claim 4.

Claim 4 has been cancelled as it no longer limits claim 1.

### **New Claim 23**

New claim 23 is fully supported by old claim 22.

No new matter is added.

### **35 USC 103(a)**

**Claims 1-22 are rejected under 35 USC 103(a) as being unpatentable over Verser, US 6,927,048 in view of Coffey, US 2003/0155091 and further in view of Savage, US 5,552,316.**

As explained above, applicants have amended claim 1 to require that the synthetic polymers be formed from at least 50 wt. % anionic monomers and that these monomer are selected from the

group consisting of (meth) acrylic acid or salts, maleic acid or salts, itaconic acid or salts and fumaric acid or salts.

Examiner has used Savage to suggest the anionic wt. % ranges of the polymer used in the solid-liquid separation of the fermentation liquor. While Savage does suggest the use of synthetic polymers formed from anionic monomers which contain about 5 to 95 mole percent of repeating units of an alpha-beta unsaturated carboxylic acid or salt monomer, Savage also absolutely requires the presence of 5 to 95 mole percent of repeating units of an alpha-beta unsaturated sulfonic acid or salt thereof. As Savage teaches in col. 3, l.65-68 and col. 4, lines 1-6:

"Sulfonic acid groups are important since many aqueous fermentation broths containing the microorganisms to be flocculated are high in dissolved salts and may have low pHs (pH 1 to 5). The sulfonic acid groups are resistant to low pH conditions and retain their negative charge. Carboxyl groups and polymers derived from carboxylic acids, such as acrylic acid, lose their negative charge under low pH conditions and become **ineffective**."

As this type of monomer is excluded (those monomers containing sulfonic acid or salts,) from the presently claimed anionic synthetic polymers used in the fermentation liquor separation, the combination of Savage with Verser leads to a synthetic polymer which Savage teaches as defective. As this combination, no longer works and neither Verser or Coffey make up for the deficiency, the rejection is overcome.

Therefore, subject-matter of claim 1 and the dependent claims is not rendered obvious by Verser, Coffey and Savage.

Reconsideration and withdrawal of the rejection of claims 1-21 and 23 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-21 and 23 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosures: Petition for one month extension of time and RCE.